

Union Calendar No. 458

110TH CONGRESS
2D SESSION

H. R. 2452

[Report No. 110-723]

To amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MAY 23, 2007

Mr. BISHOP of New York (for himself, Mr. LOBIONDO, Ms. BORDALLO, Mr. GRIJALVA, Ms. NORTON, Mr. NADLER, Mr. DEFazio, Mrs. MALONEY of New York, Mr. LANTOS, Mrs. MCCARTHY of New York, Mr. SAXTON, and Mr. BARTLETT of Maryland) introduced the following bill; which was referred to the Committee on Transportation and Infrastructure

JUNE 19, 2008

Additional sponsors: Mr. PAYNE, Mr. SMITH of New Jersey, Mr. KUCINICH, Mr. HINCHEY, Ms. SCHAKOWSKY, Mrs. LOWEY, Mr. WAXMAN, Mr. FILNER, Mr. PALLONE, Ms. JACKSON-LEE of Texas, Mr. McNULTY, Mr. GILCHREST, Mr. HOLT, Ms. LEE, Mr. COURTNEY, Mr. PLATTS, Mr. BOSWELL, Mr. CARNAHAN, Mr. ENGEL, Mr. BAIRD, Mr. WILSON of South Carolina, Mr. BRALEY of Iowa, Mr. PASCRELL, Mr. KING of New York, Mr. SIRES, Mr. HASTINGS of Florida, Mr. ROTHMAN, Mr. CAPUANO, Ms. BALDWIN, Mr. LEVIN, Ms. WASSERMAN SCHULTZ, Ms. DELAURO, Mr. WYNN, Ms. MCCOLLUM of Minnesota, Mr. ARCURI, Mr. SHAYS, Mr. SERRANO, Mr. COHEN, Mr. MURPHY of Connecticut, Mr. WEXLER, Mr. HINOJOSA, Ms. WOOLSEY, Mr. KLEIN of Florida, Mr. ISRAEL, Mr. SESTAK, and Mr. RUPPERSBERGER

JUNE 19, 2008

Reported with amendments, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

[For text of introduced bill, see copy of bill as introduced on May 23, 2007]

A BILL

To amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of raw sewage, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 *This Act may be cited as the “Sewage Overflow Com-*
5 *munity Right-to-Know Act”.*

6 **SEC. 2. DEFINITIONS.**

7 *Section 502 of the Federal Water Pollution Control Act*
8 *(33 U.S.C. 1362) is amended by adding at the end the fol-*
9 *lowing:*

10 “(25) *SANITARY SEWER OVERFLOW.*—*The term*
11 *‘sanitary sewer overflow’ means an overflow, spill, re-*
12 *lease, or diversion of wastewater from a sanitary*
13 *sewer system. Such term does not include municipal*
14 *combined sewer overflows or other discharges from a*
15 *municipal combined storm and sanitary sewer system*
16 *and does not include wastewater backups into build-*
17 *ings caused by a blockage or other malfunction of a*
18 *building lateral that is privately owned. Such term*

1 *includes overflows or releases of wastewater that reach*
 2 *waters of the United States, overflows or releases of*
 3 *wastewater in the United States that do not reach*
 4 *waters of the United States, and wastewater backups*
 5 *into buildings that are caused by blockages or flow*
 6 *conditions in a sanitary sewer other than a building*
 7 *lateral.*

8 “(26) *TREATMENT WORKS.*—*The term ‘treatment*
 9 *works’ has the meaning given that term in section*
 10 *212.’.*”

11 **SEC. 3. MONITORING, REPORTING, AND PUBLIC NOTIFICA-**
 12 **TION OF SEWER OVERFLOWS.**

13 *Section 402 of the Federal Water Pollution Control Act*
 14 *(33 U.S.C. 1342) is amended by adding at the end the fol-*
 15 *lowing:*

16 “(r) *SEWER OVERFLOW NOTIFICATIONS.*—

17 “(1) *GENERAL REQUIREMENTS.*—*Not later than*
 18 *one year after the date of enactment of this subsection,*
 19 *the Administrator shall take such action as may be*
 20 *necessary to ensure that each permit issued under this*
 21 *section before, on, or after the date of enactment of*
 22 *this subsection for a publicly owned treatment works*
 23 *shall require, at a minimum, that the owner or oper-*
 24 *ator of the treatment works—*

1 “(A) institute and utilize a feasible method-
2 ology, technology, or management program to
3 alert the owner or operator to the occurrence of
4 a sewer overflow in a timely manner;

5 “(B) notify the public of a sewer overflow as
6 soon as practicable, but not later than 24 hours
7 after the time the owner or operator becomes
8 aware of such overflow, if such overflow has the
9 potential to affect human health, except for over-
10 flows that are wastewater backups into single-
11 family residences;

12 “(C) immediately notify public health au-
13 thorities and other affected entities, such as pub-
14 lic water systems, of any sewer overflow that
15 may imminently and substantially endanger
16 human health, except for overflows that are
17 wastewater backups into single-family residences;

18 “(D) report each sewer overflow (other than
19 a release of wastewater that occurs in the course
20 of maintenance of the treatment works, is man-
21 aged consistently with the treatment works’ best
22 management practices, and is intended to pre-
23 vent overflows) on its monthly discharge moni-
24 toring report to the Administrator or the State,
25 as the case may be, by describing—

1 “(i) the magnitude, duration, and sus-
2 pected cause of the overflow;

3 “(ii) the steps taken or planned to re-
4 duce, eliminate, or prevent recurrence of the
5 overflow; and

6 “(iii) the steps taken or planned to
7 mitigate the impact of the overflow; and

8 “(E) report to the Administrator or the
9 State, as the case may be, the total number of
10 sewer overflows (other than a release of waste-
11 water that occurs in the course of maintenance
12 of the treatment works, is managed consistently
13 with the treatment works’ best management
14 practices, and is intended to prevent overflows)
15 in a calendar year, including—

16 “(i) the details of how much waste-
17 water was released per incident;

18 “(ii) the duration of each sewer over-
19 flow;

20 “(iii) the location of the overflow and
21 any potentially affected receiving waters;

22 “(iv) the responses taken to clean up
23 the overflow; and

1 “(v) the actions taken to mitigate im-
2 pacts and avoid further sewer overflows at
3 the site.

4 “(2) *REPORT TO EPA.*—If a State receives a re-
5 port under paragraph (1)(E), the State shall report
6 to the Administrator annually, in summary, the de-
7 tails of reported sewer overflows that occurred in that
8 State.

9 “(3) *RULEMAKING BY EPA.*—Not later than one
10 year after the date of enactment of this subsection, the
11 Administrator shall, after providing notice and the
12 opportunity for public comment, issue regulations
13 to—

14 “(A) establish a set of criteria to guide own-
15 ers and operators of publicly owned treatment
16 works in assessing whether a sewer overflow has
17 the potential to affect human health or may im-
18 minently and substantially endanger human
19 health; and

20 “(B) define the terms ‘feasible’ and ‘timely’
21 as such terms apply to paragraph (1)(A).

22 “(4) *SITE SPECIFIC CONDITIONS.*—The defini-
23 tions under paragraph (3)(B) shall include site spe-
24 cific conditions.

25 “(5) *DEFINITIONS.*—

1 “(A) *SEWER OVERFLOW*.—*In this sub-*
 2 *section, the term ‘sewer overflow’ means a sani-*
 3 *tary sewer overflow or a municipal combined*
 4 *sewer overflow.*

5 “(B) *SINGLE FAMILY RESIDENCE*.—*In this*
 6 *subsection, the term ‘single-family residence’*
 7 *means an individual dwelling unit, including an*
 8 *apartment, condominium, house, or dormitory.*
 9 *Such term does not include the common areas of*
 10 *a multi-dwelling structure.”.*

11 **SEC. 4. ELIGIBILITY FOR ASSISTANCE.**

12 (a) *PURPOSE OF STATE REVOLVING FUND*.—*Section*
 13 *601(a) of the Federal Water Pollution Control Act (33*
 14 *U.S.C. 1381(a)) is amended—*

15 (1) *by striking “and” the first place it appears;*

16 *and*

17 (2) *by inserting after “section 320” the fol-*
 18 *lowing: “, and (4) for the implementation of require-*
 19 *ments to monitor for sewer overflows under section*
 20 *402”.*

21 (b) *WATER POLLUTION CONTROL REVOLVING LOAN*
 22 *FUNDS*.—*Section 603(c) of the Federal Water Pollution*
 23 *Control Act (33 U.S.C. 1383(c)) is amended—*

24 (1) *by striking “and” the first place it appears;*

25 *and*

1 (2) *by inserting after “section 320 of this Act”*
 2 *the following: “, and (4) for the implementation of re-*
 3 *quirements to monitor for sewer overflows under sec-*
 4 *tion 402 of this Act”.*

5 **SEC. 5. LIMITATION ON STATUTORY CONSTRUCTION.**

6 *Nothing in this Act, including any amendment made*
 7 *by this Act, shall be construed—*

8 (1) *to limit the ability of any State from imple-*
 9 *menting and enforcing more stringent monitoring*
 10 *and notification standards than those required by the*
 11 *Federal Water Pollution Control Act (33 U.S.C. 1251*
 12 *et seq.); or*

13 (2) *to supplant or diminish obligations to com-*
 14 *ply with all other requirements of the Federal Water*
 15 *Pollution Control Act.*

Amend the title so as to read: “A bill to amend the Federal Water Pollution Control Act to ensure that sewage treatment plants monitor for and report discharges of sewage, and for other purposes.”.

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